

REMARKS

Claims 1-46 are pending. Claims 9, 10 and 26 are under examination. Claims 9, 10, 13-17, 19-21, 23-25, 27, 29-39, 45 and 46 have been canceled. Claim 26 has been amended. New claims 47-58 have been added. Support for the amendments and new claims can be found throughout the specification and the claims as filed. In particular, support for the amendment to claim 26 to recite nucleotides 274-321 can be found, for example, on page 13, lines 12-15, and the Sequence Listing (SEQ ID NO:1). Support for the amendment to claim 26 to recite hybridization conditions can be found, for example, on page 20, lines 23-32. Support for new claims 47-58 can be found, for example, in original claims 9 and 10 and on page 22, line 28, to page 23, line 10. The specification has been amended to correct informalities as requested by the Examiner. Accordingly, these amendments and new claims do not raise an issue of new matter and entry thereof is respectfully requested.

Applicants point out that the amendment to claim 26 and new claims 47, 52, 53 and 58 substantially correspond to those indicated by the Examiner to be allowable in the proposed Examiner's amendment sent May 5, 2005.

Applicants appreciate the rejoinder of claims 9 and 10.

Objections to the Specification

The objections to the specification are respectfully traversed. The specification has been amended as requested by the Examiner. In particular, the priority claim has been updated to reflect the issuance of U.S. Patent No. 6,638,734. The brief descriptions of Figures 13 and 17 have been amended to reflect Figures 13A-13C and 17A and 17B, respectively. The specification has been amended on page 23 to delete an imbedded hyperlink. Accordingly, Applicants respectfully request that the objections to the specification be withdrawn.

Rejections Under 35 U.S.C. § 112, Second Paragraph

The rejection of claims 9, 10 and 26 under 35 U.S.C. § 112, second paragraph, as allegedly indefinite is respectfully traversed. Applicants respectfully submit that the claims are clear and

definite. Applicants respectfully point out that the rejection of claims 9 and 10 has been rendered moot by the cancellation of these claims.

Regarding claim 26, the alleged indefiniteness for the use of the acronyms “SMDP and/or SCP” has been rendered moot by deletion of these terms and insertion of “Siah-1 α .” The Office Action indicates that claim 26 does not identify the hybridizing nucleic acid as encoding a Siah-1 α protein. Claim 26 has been amended to recite that the identified nucleic acid encodes a Siah-1 α protein. Furthermore, claim 26 has been amended to recite high stringency hybridization conditions. Thus, claim 26 has been amended to reflect the elected subject matter. Accordingly, Applicants respectfully submit that the claims are clear and definite and request that this rejection be withdrawn.

Rejections Under 35 U.S.C. § 102

The rejection of claim 9 under 35 U.S.C. 102(a) as allegedly anticipated by Volario et al., DNA Seq. 9:307-315 (1998), is respectfully traversed. Applicants respectfully submit that claim 9 is novel over Volario et al. Applicants respectfully submit that this rejection has been rendered moot by the cancellation of this claim. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

With regard to new claim 48, Applicants respectfully submit that Volario et al. does not teach the claimed oligonucleotide probe containing nucleotides 274-321 of SEQ ID NO:1 and where the oligonucleotide probe is no more than 500 nucleotides in length. Accordingly, Applicants respectfully submit that new claim 48 is novel over Volario et al.

The rejection of claim 9 under 35 U.S.C. 102(a) as allegedly anticipated by Telerman et al., U.S. Patent No. 6,503,203, is respectfully traversed. Applicants respectfully submit that claim 9 is novel over Telerman et al. Applicants respectfully submit that this rejection has been rendered moot by the cancellation of this claim. Accordingly, Applicant respectfully requests that this rejection be withdrawn.

With regard to new claim 48, Applicants respectfully submit that Telerman et al. does not teach the claimed oligonucleotide probe containing nucleotides 274-321 of SEQ ID NO:1 and

where the oligonucleotide probe is no more than 500 nucleotides in length. Accordingly, Applicants respectfully submit that new claim 48 is novel over Telerman et al.

In light of the amendments and remarks herein, Applicants submit that the claims are now in condition for allowance and respectfully request a notice to this effect. The Examiner is invited to call the undersigned agent if there are any questions.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 502624 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Deborah L. Cadena
Registration No. 44,048

4370 La Jolla Village Drive, Suite 700
San Diego, CA 92122
Phone: 858.535.9001 DLC:llf
Facsimile: 858.597.1585
Date: November 21, 2005

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